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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/798,669

03/11/2004

David J. Wendell

47171-00426USP1

6277

41230

7590

11/27/2006

CUMMINS-ALLISON CORP.

C/O JENKENS & GILCHRIST

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CHICAGO, IL 60606

EXAMINER

MCCULLOUGH, MICHAEL C

ART UNIT

PAPER NUMBER

3653

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/798,669

Applicant(s)

WENDELL ET AL.

Examiner

Michael C. McCullough

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>26 September 2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Specification

2. The disclosure is objected to because of the following informalities: spelling. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Regarding claim 1, the phrase "generally parallel to and spaced slightly away" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 5-10, 12-16, and 18-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saarinen et al. (US 5,033,602) in view of Rasmussen et al. (US 5,277,651). Saarinen discloses memory (column 4 lines 32-38) which compares a generated signal to a threshold value (column 3 lines 43-52), a light source (see Figure 1 element 3), a light detector that is a photo detector (see Figure 1 element 4), a controller (see Figure 1 element 9) adapted to determine the denomination of the coin (column 4 line 32 through column 5 line 20), a light guide disposed along the coin path (see Figure 1 element 5), and a diverter (see Figure 1 element 10) controlled by the controller (column 5 lines 14-20). Saarinen et al. does not disclose a rotatable disc, an encoder, and a stationary sorting head. However, Rasmussen et al. discloses a similar device that includes a rotatable disc (see Figure 1 element 13), an encoder (see Figure 16 element 212), and a stationary sorting head (column 2 lines 15-25) for the purpose of monitoring the precise position of each separate coin from the time that coin passes a fixed counting station until the coin is sorted and discharged (column 1 lines 24-35). It would have been obvious for a person of ordinary skill in the art at the time of the applicant's invention to modify Saarinen et al. by utilizing a rotatable disc, an encoder, and a stationary sorting head, as disclosed by Rasmussen et al., for the purpose of monitoring the precise position of each separate coin from the time that coin passes a fixed counting station until the coin is sorted and discharged.

7. Claims 3, 4, 11, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saarinen et al. (US 5,033,602) in view of Rasmussen et al. (US 5,277,651) as applied to claims 1, 2, 5-10, 12-16, and 18-25 above, and further in view

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of Panzeri et al. (US 6,142,285). Panzeri et al. discloses a similar device that includes a laser diode (see Figure 1 element 11) for the purpose of maximizing the response of the light detector (column 12 lines 1-11). It would have been obvious for a person of ordinary skill in the art at the time of the applicant's invention to modify Saarinen et al. in view of Rasmussen et al. by utilizing a laser diode, as disclosed by Panzeri et al., for the purpose of maximizing the response of the light detector.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. McCullough whose telephone number is (571) 272-7805. The examiner can normally be reached on Monday-Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MCM


PATRICK MACKEY
SUPERVISORY PATENT EXAMINER
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